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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/582,176	04/18/2007	Kiyotaka Nakano 14	4875-0163US1/C1-A0322P-U 8936		
²⁶¹⁶¹ FISH & RICHA	7590 10/19/200 ARDSON PC	9	EXAMINER		
P.O. BOX 1022			DO, PENSEE T		
MIINEAPOLI	S, MN 55440-1022		ART UNIT	PAPER NUMBER	
			1641		
			NOTIFICATION DATE	DELIVERY MODE	
			10/19/2009	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary		Д	Application No.		Applicant(s)				
			10/582,176		NAKANO ET AL.				
		E	xaminer		Art Unit				
			ensee T. Do		1641				
Period fo	The MAILING DATE of this commur or Reply	nication appea	rs on the cover sh	eet with the co	orrespondence ad	ldress			
WHIC - Exter after - If NO - Failu Any r	ORTENED STATUTORY PERIOD F CHEVER IS LONGER, FROM THE M Isions of time may be available under the provisions SIX (6) MONTHS from the mailing date of this community period for reply is specified above, the maximum single to reply within the set or extended period for reply eply received by the Office later than three months and patent term adjustment. See 37 CFR 1.704(b).	MAILING DATI s of 37 CFR 1.136(a munication. tatutory period will a p will, by statute, cau	E OF THIS COMN a). In no event, however, apply and will expire SIX (use the application to bec	MUNICATION may a reply be time 6) MONTHS from to ome ABANDONED	ely filed the mailing date of this composition (35 U.S.C. § 133).				
Status									
1) 又	Responsive to communication(s) file	ed on 09 June	2006						
	• • • • • • • • • • • • • • • • • • • •		ction is non-final.						
—		<i>7</i> —		l matters, pros	secution as to the	e merits is			
٠,١	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
Dispositi	on of Claims								
4)⊠	Claim(s) 1-14 is/are pending in the	annlication							
•	☑ Claim(s) <u>1-14</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.								
	4a) Of the above claim(s) is/are withdrawn from consideration.								
•	5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected.								
	Claim(s) is/are objected to.								
-	Claim(s) <u>1-14</u> are subject to restrict	ion and/or ele	ction requirement						
	· · · · · · · · · · · · · · · · · · ·	ion ana, or ole	otion roquiromont.	•					
	on Papers								
9)☐ The specification is objected to by the Examiner.									
10)[10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.								
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) 🔲	11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority u	ınder 35 U.S.C. § 119								
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 									
2) Notic 3) Inforr	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (Fination Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	PTO-948)	Pape 5) Noti	rview Summary (er No(s)/Mail Dat ce of Informal Pa er:	te				

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-5, 12-14, drawn to a method of screening for an agonist antibody.

Group II, claim(s) 6, drawn to an antibody.

Group III, claim(s) 7-11, drawn to a method of producing an antibody with agonistic activity.

The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the same or corresponding special technical features is the antibody having agonistic activity.

However, such antibody is taught by Hashida et al. (US 7,115,373 filed on June 27, 2003).

"The anti-CD30 against eosinophilic CD30 has recently been receiving attention, because it induces apoptosis of eosinophils via a specific intracellular pathway and may serve as a therapeutic agent for asthma".

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

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Art Unit: 1641

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pensee T. Do whose telephone number is 571-272-0819. The examiner can normally be reached on Monday-Friday, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Shibuya can be reached on 571-272-0806. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pensee T. Do/ Examiner, Art Unit 1641

/Mark L. Shibuya/ Supervisory Patent Examiner, Art Unit 1641